

## ENVIRONMENTAL PROTECTION COMMISSION[567]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 459.103 and 459.302, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code.

The purpose of the proposed amendment is to allow for the submittal of manure management plan updates and associated fees electronically through the Department of Natural Resource’s Web application system. Under the current rules, those who are required to submit manure management plan updates and associated fees must submit the documents and fees either through the mail or in person to the various field offices around the state. The manure management plan update must also have a county receipt signature, which requires the person filing the manure management plan update to receive a signature from each county where the animal feeding operation is located and each county where manure is applied. With the proposed amendment, the manure management plan updates and associated fees will be able to be submitted electronically, and impacted counties will receive the submittals electronically. This amendment will allow those who are required to submit manure plan updates and associated fees to save costs associated with postage, time, plan preparation and transportation.

Anyone may make written suggestions or comments on the proposed amendment on or before September 6, 2017. Written comments should be directed to Kelli Book, Department of Natural Resources, 7900 Hickman Road Suite 1, Windsor Heights, Iowa 50324; or by e-mail to [kelli.book@dnr.iowa.gov](mailto:kelli.book@dnr.iowa.gov).

A public hearing will be held on September 5, 2017, at 1:30 p.m. in the Wallace State Office Building Auditorium, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. All comments must be received no later than 4:30 p.m. on September 6, 2017.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact Kelli Book at (515)725-9572 or by e-mail at [kelli.book@dnr.iowa.gov](mailto:kelli.book@dnr.iowa.gov) to advise of any specific needs.

### **Jobs Impact Statement**

After analysis and review, the Commission has determined that the proposed amendment may have a positive impact on private sector jobs due to savings in costs associated with postage, time, plan preparation and transportation. The complete jobs impact statement is available from the Department upon request.

This amendment is intended to implement Iowa Code sections 459.103 and 459.302.

The following amendment is proposed.

Amend paragraph **65.16(3)“b”** as follows:

*b.* The owner of a confinement feeding operation who is required to submit a manure management plan under this rule shall submit an updated manure management plan on an annual basis to the department. The updated manure management plan may be submitted by hard copy or by electronic submittal. The updated plan must reflect all amendments made during the period of time since the previous manure management plan submission.

(1) If the plan is submitted by hard copy, the submittal process shall be as follows: The owner of the animal feeding operation shall also submit the updated manure management plan on an annual

basis to the board of supervisors of each county where the confinement feeding operation is located and to the board of supervisors of each county where manure from the confinement feeding operation is land-applied. If the owner of the animal feeding operation has not previously submitted a manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied, the owner must submit a complete manure management plan to each required county. The county auditor or other county official or employee designated by the county board of supervisors may accept the updated plan on behalf of the board. The updated plan shall include documentation that the county board of supervisors or other designated county official or employee received the manure management plan update.

(2) If the plan is submitted electronically, the submittal process shall be as follows: The owner of the animal feeding operation shall submit the updated manure management plan to the department through the department's electronic Web application. Once the submittal has been completed, the department shall provide electronic access of the updated manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied.

(3) The department will stagger the dates by which the updated manure management plans are due and will notify each confinement feeding operation owner of the date on which the updated manure management plan is due. To satisfy the requirements of an updated manure management plan, an owner of a confinement feeding operation must submit one of the following:

- ~~(1)~~ 1. A complete manure management plan;
- ~~(2)~~ 2. A department-approved document stating that the manure management plan submitted in the prior year has not changed; or
- ~~(3)~~ 3. A department-approved document listing all the changes made since the previous manure management plan was submitted and approved.